

# **MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE MEETING APRIL 14-15, 1999 IN WASHINGTON, DC**

## **INTRODUCTION**

A meeting of the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) was held April 14-15, 1999 in Washington, DC to review and comment on the Coast Guard's Fishing Vessel Casualty Task Force (CGFVTF) Report. The CGFVTF was chartered to perform a fast track examination of safety issues in the commercial fishing industry following a rash of fishing vessel casualties in the first few weeks of 1999. Visit <http://www.uscg.mil/hq/g-m/moa/docs/fishing.htm> to view the CGFVTF Report.

The summary of these two days of intensive deliberations on the content and quality of the CGFVTF Report are contained in the following two documents: Report to Admiral Robert North Concerning the Fishing Vessel Casualty Task Force Report by the USCG Commercial Fishing Industry Vessel Advisory Committee; and Evaluation of Fishing Vessel Casualty Recommendations, Commercial Fishing Industry Vessel Advisory Committee Members.

The first document was authored by the Chairman of the CFVIAC, Mr. James Herbert, with considerable input from CFIVAC members. The second document is the results of a survey that each CFIVAC member filled out concerning the recommendations of the CGFVTF Report. CFIVAC members were asked to review each recommendation contained in the report, provide any additional recommendations that were not in the report, and rank the recommendations in terms of their impact on improving safety, the ease of implementing the recommendation, and the level of acceptance by industry.

## **REPORT TO ADMIRAL ROBERT NORTH CONCERNING THE FISHING VESSEL CASUALTY TASK FORCE REPORT BY**

### **THE USCG COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE**

**INTRODUCTION:** On April 14 and 15, 1999, the Commercial Fishing Industry Vessel Advisory Committee (Committee) met at U. S. Coast Guard Headquarters in Washington, D.C. at the request of Admiral Robert North. Under the mandate of its charter, the Committee "may advise, consult with, and make recommendations to the Secretary [of Transportation] on matters relating to the safe operation of [fishing] vessels..., [and] may make available to Congress any information, advice and recommendations that the Committee is authorized to give to the Secretary." Accordingly it was asked to advise the U. S. Coast Guard and Secretary of Transportation concerning the Fishing Industry Casualty Task Force Report (Report) issued April 6, 1999. This Report was the work of a Coast Guard Task Force established to perform a fast-track examination of commercial fishing industry operational and safety issues. While initiated by some tragic losses on the East Coast in January 1999, it viewed historic loss data and suggested measures that might have potential for reducing the loss of life and property in the commercial fishing industry. The Task Force was headed by Captain James Spitzer and consisted of 12 members and 5 industry advisors. The final report was the work of Captain Spitzer and his staff.

During the two days of review and discussion, an independent facilitator helped the Committee move through the Report in the allotted time, but allowed the group some flexibility as they sought to bring their own industry perspective to the issue of fishing vessel safety. Captain Spitzer and his staff generously made themselves available to answer questions and elaborate on specific areas. The

Committee critiqued the first four sections of the Report, studied and ranked recommendations in Section 5, and made general comments and essential recommendations of its own.

We view the Report as a sincere effort by the USCG to reflect on the safety record of the commercial fishing industry ten years after the implementation of the Fishing Vessel Safety Act of 1988 (Act). It was not our job to edit the Report, rather to critique it from our particular industry point of view. What follows is a summary of Committee discussion and concerns as the report was reviewed.

**SECTION ONE - INTRODUCTION.** The Committee is concerned that the Task Force was formed to examine recent fishing vessel losses on the East Coast, then expanded to an overview of the entire commercial fishing industry, using inadequate data, and under time constraints. It is believed that a review should take place, however a one and a half month period of time was not adequate for a thorough 10-year review.

**SECTION TWO - HISTORICAL OVERVIEW.** The overview is comprehensive relative to events leading up to the Safety Act of 1988. It is incomplete, however, as it does not address the positive effects of programs instituted by the Act.

There are now regulations in place requiring survival equipment, training and on-board emergency drills. There are also regulations imposing modest safety standards for fishing vessels and classification society standards for fish processing vessels. Specific stability standards were also adopted for fishing industry vessels over 79 feet in length. Concurrent with implementation of the Fishing Vessel Safety Act of 1988, the Coast Guard initiated enforcement of the Load Line Act for fish processing vessels, a very significant positive addition. Further the Coast Guard re-established the Voluntary Dockside Examination program to support and monitor implementation of the Act.

The Task Force Report documents apparent national reductions in deaths and vessel losses. There is also data from districts that clearly substantiate reduced casualties.

The CFIVAC has responded to issues presented by the Coast Guard. Additionally, it unilaterally generated specific recommendations relative to safety standards, and stability and watertight integrity and subdivision. All of the above represents positive progress that is generously supplemented by waterfront anecdotes of lives not lost due to training and drills that were conducted.

**SECTION THREE - COMPARISON OF STANDARDS.** This section can be misleading by its blanket use of "fishing vessel" without additional qualification. There are several vessel size ranges that presently require licensed officers and vessel standards such as load lines and classification society certificates.

In the rating scheme, existing drill and training requirements seem to be ignored. Also, there is no consideration of the wide range of fishing and regional factors that apply risk/consequence ratings.

Reference to other nations with higher standards is out of context. The entire management scheme in those nations is dramatically different: construction subsidies, very limited entry, individual quotas, etc. There is nothing presented to document more favorable casualty rates.

**SECTION FOUR - CASUALTY DATA.** The committee feels that casualty analysis to date has been primarily limited to compiling total losses and attempting normalized national trends. This type of analysis has not been supportive of casualty reduction. Analysis should focus on casualties and regions and/or fisheries to identify causes. Where a region experiences decreasing rates, the processes and experience should certainly be exported to other areas. Conversely if a region experiences increasing rates, they should apply special focus on the high-risk vessels or practices.

The difficulty with generation of population inputs for normalization of data is acknowledged. The initial function of analyses in a "safety program" however is identification of cause and initiation of appropriate hazard abatement. A secondary purpose of analysis is compilation of totals and trends.

The tragic loss of four clam vessels that sparked this inquiry was not thoroughly addressed in this report. We expect complete casualty investigation reports will disclose any related issues in the near future.

**SECTION FIVE - RECOMMENDATIONS.** The Committee had difficulty with the language and intent of some of the original 59 recommendations in the report. Several new recommendations were added to the list during the facilitated discussion and we did evaluate them all to determine their rank by impact, acceptance, and ease of implementation. We ask you to review the committee's list of top ten items as ranked by impact to get a sense of our collective opinion (See Addendum 1). We caution that it does not fully reflect the depth and breadth of discussion and concern regarding these items. It also does not suggest their feasibility. Members of the Committee were not part of the process that evolved the Report recommendations and were reluctant to specifically endorse most of them not knowing how a particular item might be implemented. The industry and the Coast Guard do not always see the world through the same lens. However, this ranking by impact does reflect the most important recommendations the Committee achieved on its own by consensus.

**KEY CONSENSUS POINTS:** Everyone on the Committee said the current levels of loss of life and vessels were not acceptable. There is, however, uncertainty as to what is the achievable baseline loss rate in an industry where small vessels are often operating in a severe environment under hazardous working conditions. We still feel there exist means to improve the current situation. To facilitate comparison to the Report, we have tried to place our essential recommendations into the seven categories used in Section 5.

**1. Coordinate Fishery Management with Safety.** The Fishing Vessel Safety Act of 1988 mandated careful consideration of the "the specialized nature and economics of operations and the character, design, and construction of the vessel." This reflects the strong regional nature of the American commercial fishing industry. The Fishing Vessel Safety Program through the Coast Guard Districts, the regional Fishery Management Councils, and National Marine Fisheries Service must consider regional problems and solutions. All too often the lack of coordination among government agencies has created not only hardships but also perils for fishermen. The Magnuson-Steven Act should be adhered to by the NMFS.

**2. Establish Operator and Crew Standards.** We do not support a licensing program for the fishing industry that parallels the existing USCG licensing system for passenger and towing vessels. We are ready to work with the Coast Guard to develop a more concrete training and education program based on historical participation and relevant hands-on skills. On a ranking of acceptability (1-5 scale), using the status quo at one end and the existing USCG license program at the high end, an averaged response by 11 members produced a value of 2.68. This suggests more training and education that may or may not require a certificate, but steers clear of the existing system. While the training concept is very acceptable to the Committee, it is realized that implementation on a regional and national basis may be difficult.

**3. Ensure Vessels Comply with Standards.** Regarding examination of vessels, the Committee used a 1-5 scale to determine the scope of an acceptable program. The low end of the scale was marked by the current voluntary examination program and ranged to the formal CFR mandated program for inspected vessels. The group felt the inspected vessel program was unacceptable. The average response of 13 members yielded a number of 3.23 that may suggest a mandatory examination program that parallels the current level of voluntary examination, and suggests an engine room review for obvious defects.

**4. Establish Safety and Stability Standards.** The Committee has previously completed work in this regard. In 1995 the Committee offered draft regulations for the stability of all vessels over 45 feet in length, and proposed a subpart on water tight integrity and subdivision for decked vessels of all lengths. We encourage assignment of regulatory project status to these industry proposals and remain willing to provide input to resolve any issues identified in Coast Guard review. Completion of such a project would complete establishment of fundamental stability and hull integrity standards started nearly 10 years ago.

**5. Improve Program Management.** The Committee wants the USCG to maximize enforcement of existing regulations and policies before adding new ones. A review and streamlining of current 46 CFR Part 28 regulations is encouraged. We suggest formal language that requires mandatory logging of drills and orientation. It is hoped that the current Voluntary Decal Program will benefit the vessels at sea by minimizing the scope of safety examinations and lost fishing time. It is acknowledged that without added resources, both people and funds, any additions to the USCG Commercial Fishing Vessel Safety Program will be ineffective and even counterproductive.

**6. Conduct Research and Development.** Analysis of casualty data should be used to identify "high risk" fisheries and vessels. This will focus attention on problem areas and solutions nationwide and by region.

**7. Inform Fishermen.** The Committee recommends the Coast Guard apply best efforts on identification of causes with feedback to the fishing industry. The Committee currently has a formal task before it to make suggestions for creating better communications between the fishing industry and the Coast Guard. This is essential for effective and meaningful long-term results.

**CONCLUSION:** As a Committee we realize everyone in our fishing industry will not agree with everything we suggest, just as we have chosen to take exception to aspects of the Task Force Report. The regional nature of American fisheries and vessels makes it difficult or impossible to create a simple, effective solution on a national level. To repeat, everyone on the Committee said the current levels of loss of life and vessels were not acceptable. We feel there exist means to better the current situation. It is our sincere hope that our recommendations and our future work collaborating with the CG will help make the American fishing industry safer by reducing the loss of life and vessels. We stand ready to give industry-based advice to the Coast Guard as they develop programs and regulations to implement recommendations before them.

As Chairman of the CFIVAC, I suggest that the Committee should now focus on important issues that resurfaced in the Task Force Report and review; namely prevention and expanded reaction abilities. Safety of life at sea by Prevention and saving of lives at sea through Reaction should be the Committee's and fishermen's primary goal.

Respectfully submitted on behalf of the CFIVAC,

James Herbert

Chairman

Dated: May 5, 1999 at Seward, Alaska

**REPORT TO ADM ROBERT NORTH BY THE CFIVAC**

## ADDENDUM 1

### TOP TEN F/V TASK FORCE REPORT RECOMMENDATIONS RANKED BY THEIR POTENTIAL IMPACT ON FISHING VESSEL SAFETY BY THE CFIVAC

1. Drill Enforcement (Task Force Report # 2.6)
2. Expanded Scope of Voluntary Exams (3.10)
3. Basic Safety Training (2.7)
4. Feedback from Investigations (6.2)
5. Resources (5.8)
6. Focus on Emergency Drills (5.3)
7. Safety Examinations (3.6)
8. Casualty Data Analysis (6.10)
9. EPIRB Promotion (7.4)
10. Improve Communications (6.8)

### EVALUATION OF FISHING VESSEL CASUALTY RECOMMENDATIONS

#### COMMERCIAL FISHING INDUSTRY VESSEK ADVISORY COMMITTEE

Rec #	Recommendation Title	CFIVAC Member Ranking					
		Average Impact	Average Accept	Average Ease	Rank Impact	Rank Accept	Rank Ease
2.6	Drill Enforcement	4.54	3.69	3.85	1	20	6
3.10	Expand Scope of Voluntary Exams	4.50	3.08	3.50	2	39	13
2.7	Basic Safety Training	4.50	3.33	3.17	2	29	23
6.2	Feedback from Investigations	4.46	4.77	3.62	4	2	10
5.8	Resources	4.33	4.64	2.82	5	3	34
5.3	Focus on Emergency Drills	4.33	3.42	3.67	5	27	9
3.6	Safety Examinations	4.31	3.17	2.58	7	35	40
6.10	Casualty Data Analysis	4.30	3.90	2.80	8	18	36
3.7	Safety Exam Prerequisite for Insurance	4.22	2.30	2.40	9	51	44

7.4	EPIRB Promotion	4.17	4.33	3.83	10	9	7
6.8	Improve Communications	4.15	4.23	3.31	11	12	19
3.2	Compliance Exam Location	4.00	4.38	3.92	12	7	5
6.1	Better Investigation Data	4.00	4.85	3.46	12	1	15
7.1	Auto-deployable Survival Equipment Guidance	4.00	4.27	3.36	12	11	17
4.10	Wear PFDs on Deck	4.00	1.83	1.67	12	58	60
6.6	Continue Investigation Quality Enhancements	3.82	4.55	3.00	16	4	28
5.9	Program Assessment Letters	3.75	4.42	4.55	17	5	1
3.4	Training	3.73	3.64	3.36	18	24	17
6.11	Revise G-MOA Policy Letter	3.70	3.67	3.22	19	22	21
5.6	Vessel Examiner Training	3.67	3.91	3.60	20	17	11
4.4	Emergency Lighting/Smoke Detectors	3.58	3.25	3.50	21	31	13
5.10	Increase CFVS Travel Budget	3.55	4.36	3.55	22	8	12
7.2	Occupational Safety Awareness	3.55	3.18	2.82	22	34	34
4.2	Safety Awareness Drills	3.54	2.69	2.85	24	47	32
1.7	Reevaluate NMFS/State Vessel Size Limits	3.50	3.09	2.18	25	38	47
2.1	Drill Conductor Training	3.46	3.00	3.08	26	41	26
3.8	Safety Inspections	3.46	1.69	1.62	26	62	62
4.1	Stability Regulation Project	3.45	1.91	2.18	28	57	47
5.2	Quality Assurance	3.42	4.42	4.08	29	5	3
6.5	Coast Guard De-watering Pumps	3.33	4.18	2.83	30	13	33
5.4	HQ Fishing Vessel Safety Division	3.33	3.67	3.08	30	22	26
4.17	Safety Gear Exams	3.33	2.73	2.55	30	46	41
4.9	Safety Levels	3.27	3.27	2.55	33	30	41
4.14	Good Marine Practices	3.25	2.75	2.90	34	45	31
2.4	Drug and Alcohol Testing	3.25	2.08	2.08	34	53	49

1.6	Representation on the RFMC	3.23	3.69	3.46	36	20	15
7.6	National Newsletter	3.23	3.92	3.23	36	15	20
6.7	Investigation Training for Examiners	3.23	3.62	3.00	36	25	28
5.5	Reprogram Personnel	3.20	3.50	2.40	39	26	44
7.3	Bilge Alarm Guidance	3.18	3.00	3.09	40	41	24
4.8	Registration/Documentation	3.18	3.11	2.20	40	37	46
1.4	Safety-based Crew Standards	3.15	3.17	2.69	42	35	38
5.1	Program Accountability	3.08	4.33	3.83	43	9	7
4.3	Stability Instructions and Documents	3.08	2.54	2.00	44	48	51
2.8	F/V Specific Operator's License	3.08	2.15	1.69	44	52	59
3.9	Uniform En force Template & Vsl Insp Mgmnt Sys	3.00	1.73	2.00	46	61	51
2.9	Crew Certification Based on Italian Model	2.92	2.31	2.08	47	50	49
1.2	National Standard 10	2.92	3.08	2.92	48	39	30
1.3	Fisheries Management Effects on Human Factors	2.92	2.83	2.50	48	44	43
4.15	Stability for Existing Vessels	2.92	1.33	1.82	48	66	57
5.7	National/District CFVS Conference/Workshop	2.91	3.70	4.08	51	19	3
4.19	Delete Reference to Boundary Line	2.91	3.36	2.64	51	28	39
7.5	Develop Issues	2.78	4.00	3.22	53	14	21
4.6	Safety Briefings	2.75	2.50	2.70	54	49	37
3.5	Safety Exam Prerequisite for Fed Fish Permits	2.75	1.92	1.92	54	55	56
3.1	Multi-Unit Law Enforcement (MULE)	2.73	3.25	3.09	56	31	24
6.3	Immersion Suits	2.67	3.22	1.50	57	33	65
4.16	Design/Require Systems to Recover People	2.67	1.82	2.00	57	59	51
3.3	At-Sea Compliance Policy	2.50	1.58	2.00	59	64	51
2.5	Crew Competency Certificate	2.46	1.77	1.62	60	60	62
6.4	Work Suits	2.38	2.88	1.44	61	43	67

1.1	Limit Entry into Fisheries	2.33	1.92	1.25	62	55	70
4.18	Cancel NVIC 5-86	2.27	3.92	4.50	63	16	2
4.11	Deck Gear and Cargo	2.10	1.40	1.50	64	65	65
6.9	Human Factors Engineering	2.00	1.92	1.55	65	54	64
2.2	Operator License	1.92	1.08	1.23	66	70	71
1.5	National Fisheries Mgmnt & Safety Coord Council	1.83	1.67	1.67	67	63	60
2.3	Operator's License Prerequisite for Fed Fish Permits	1.75	1.08	1.15	68	70	72
4.12	Industrial Safety	1.60	1.10	1.30	69	69	68
4.5	International Warning Symbols	1.42	1.17	2.00	70	68	51
4.13	Re-write NVIC 5-86	1.30	1.30	1.27	71	67	69
4.7	Hazardous Area Warnings	1.09	1.00	1.80	72	72	58